

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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 THE NEW YORK DISTRICT COUNCIL :
 OF CARPENTERS PENSION FUND ET AL., :
 Plaintiffs, :
 -v- :
 FINE & EXCELLENT WINDOW TREATMENT :
 INSTALLATION INC., A/K/A FINE & :
 EXCELLENT ALL WINDOW TREATMENT :
 INSTALLATIONS INC., :
 Defendant. :
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07 CV 6197 (BSJ)

ORDER

**BARBARA S. JONES
UNITED STATES DISTRICT COURT JUDGE**

This Action was commenced on July 3, 2007, by filing a Summons and Complaint. On September 7, 2007, this Court ordered and adjudged that Plaintiffs should have judgment against the Defendant, with the amount of damages, costs, and attorneys' fees to be determined by inquest. Magistrate Judge Fox issued a Report and Recommendation ("Report") regarding these amounts on June 20, 2008.

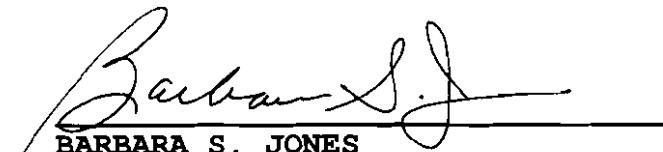
Defendant failed to file a written objection to that Report within the ten day period during which it could do so. On July 22, 2008, however - after the expiration of that period - Defendant's attorney of record submitted a letter stating that he was never notified of Arbitration or Court proceedings. The letter requested an opportunity to present evidence on

Defendant's behalf.

Plaintiffs are directed to respond to Defendant's aforementioned letter on or before September 2, 2008. In so doing, Plaintiffs should address the effect, if any, of that letter upon this Court's review of Magistrate Judge Fox's Report.

SO ORDERED:

Dated: New York, New York
August 20, 2008



Barbara S. Jones
United States District Judge